

REMARKS

Claims 15-32 are pending herein with Claims 15, 28, and 32 being independent claims. Claims 1-14 have been withdrawn from consideration. All claims stand rejected.

35 U.S.C. § 112

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite. The Examiner stated that the structure is not clear because the claim recites that the tempering chamber is between the extruder and the comminuting device. The Examiner further stated that “[h]owever, the comminuting device comprises a first cutter and a second cutter; so is the chamber located between the first cutter and the extruder or the second cutter and the extruder.”

The answer is that the tempering chamber is downstream of the extruder and the dryer and upstream of the comminuting device. The extruder 460 has a die and a cutter 480 attached thereto. *See* Fig. 1A and paragraphs 36-38. The cutter 480 cuts the dough into mini-loaves of bread as the loaves leave the extruder 460. The mini-loaves of bread are then dried in the drying station 500. *See* paragraphs 40-42.

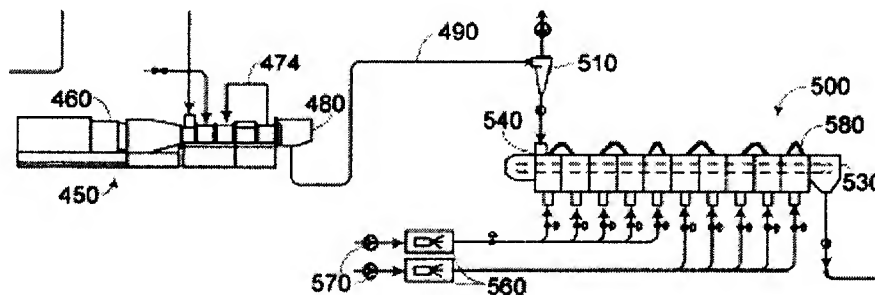


Fig. 1A

The loaves are then forwarded to one or more tempers 630. *See* Fig. 1B and paragraphs 47-48. The tempering chamber thus is a separate station downstream of the extruder.

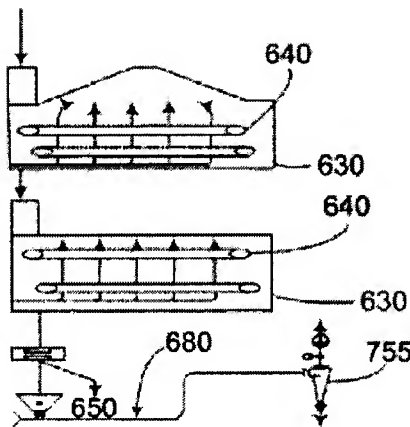


Fig. 1B

The loaves are then sent to the chopping station 750 with a number of cutters 770, 780. *See* Fig. 1B and paragraphs 52-55. The loaves are comminuted in the chopping station 750 to form the breadcrumbs of the desired size.

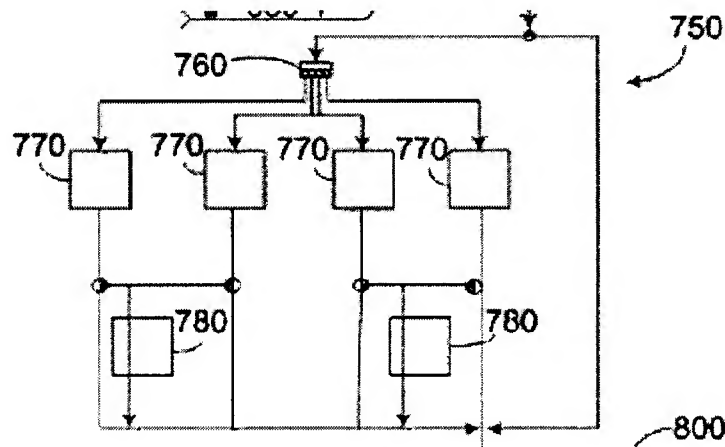


Fig. 1B

As such, the extruder, the drier, the tempers, and the comminuting device are all separate stations. The Applicant thus respectfully submits that Claim 19 is sufficiently definite in that the tempering chamber is in fact positioned between the extruder and the comminuting device.

Claim 27 also was rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite. The Examiner stated it is not clear if the extruder includes a cutter that is part of the comminuting device or if the cutter is separate or totally different from the comminuting device. As described above, the cutter 480 of the extruder 460 is separate and different from the cutters 770, 780 of the chopping station 750. The Applicant thus submits that Claim 27 is sufficiently distinct because the extruder does include a cutter.

35 U.S.C. § 102

Claims 15, 26-28, 31, and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,045,851 to Cross. Cross was described as showing a preconditioner, an extruder, a first drier, a first cyclone separator, a second cyclone separator, a conveyor assembly, and a sprayer mechanism. The extruder was described as including a cutter for cutting the cooked extrudate as it emerges from the extruder.

The Applicant respectfully traverses the rejection of independent Claim 15. Independent Claim 15 recites an extruder, a first drier, a comminuting device, and a second drier. As described above, the comminuting device is separate and apart from the extruder. In fact, the extruder 460 includes its own cutter 480. *See also* Claim 27. Moreover, the cutter or the blades attached to the die housing 22 of Cross could not act as a comminuting device. Specifically, the comminuting device claimed herein reduces the loaves to crumbs. The blades of the extruder of Cross could not comminute the wet extrudate into crumbs. *See* col. 10, lines 60-63. The Applicant thus submits that independent Claim 15, and the dependent claims thereon, are patentable over the cited reference because the reference lacks at least the comminuting device.

Likewise with respect to dependent Claim 27, the claim specifically recites that the extruder includes a cutter. Although the extruder of Cross likewise includes such a cutter, Cross again clearly does not show a further comminuting device in addition to the cutter of the extruder.

The Applicant likewise traverses the rejection of independent Claim 28. Independent Claim 28 concerns a method for manufacturing a plurality of product crumbs, including an extruder for forming product loaves, means for drying, means for tempering, means for cutting the product loaves into product crumbs, and means for drying. As above, the extruder forms the plurality of product loaves 460 with the cutter 480. The means for cutting the plurality of product loaves into product crumbs includes the chopping station 750 with the cutters 770, 780. Cross clearly shows nothing that can be considered a chopping station or a means for cutting as is described herein. 35 U.S.C. § 112, sixth paragraph. The Applicant thus submits that independent Claim 28, and the dependent claims thereon, are patentable over the cited reference.

The Applicant further traverses the rejection of independent Claim 32. The claim concerns a system for manufacturing a plurality of product crumbs including an intake station, an extrusion station, a first drying station, a tempering station, a chopping station, and a further drying station. As described above, Cross simply does not show a chopping station separate and apart from the extrusion station. The Applicant thus submits that independent Claim 32 is patentable over the cited reference.

35 U.S.C. § 103

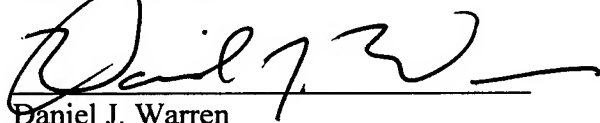
Claims 19 and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross. The Applicant respectfully traverses the rejections for the reasons described above. The Applicant further traverses the rejection of dependent Claim 19 because Cross does not show a comminuting device.

Claims 16-18, 20, 24, 26, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross in view of U.S. Patent No. 6,337,084 to Stevens, et al. The Applicant respectfully traverses the rejections for the reasons described above. The Applicant further traverses the rejections on the grounds that neither reference shows the specific cutters or their positioning as is claimed herein.

CONCLUSION

The Applicant believes that it has responded in each matter raised in the office action. Allowance of all claims is respectfully solicited. Any questions may be directed to the undersigned at 404.853.8028.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Warren", is written over a horizontal line.

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